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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Before the Trademark Trial and Appeal Board

Cardon Pharmaceuticals

Opposer,

v.

Bio Delivery Sciences
International, Inc.

Applicant

Opp. No. 91162535

RESPONSE TO MOTION FOR DEFAULT JUDGMENT

Sir:

Applicant herein responds to a Motion for Default Judgment upon Opposition No. 91162535, which is all Applicant knows about this particular opposition, other than the fact that a Cardon Pharmaceuticals is involved.

Applicant has not received any Notice of Opposition, has received no other documentation from the Trademark Trial and Appeal Board relating to any Opposition, other than the enclosed Motion for Default Judgment. Applicant does not even know what trademark is involved, other than the fact that, upon information and belief, it may involve its application having Serial No. 76/544,784, upon the mark ORAZyme.

The last information that Applicant has received regarding this trademark application, if ORAZyme is the mark involved, is a copy of a postcard from the United States Patent and Trademark Office entitled Extension of Time to



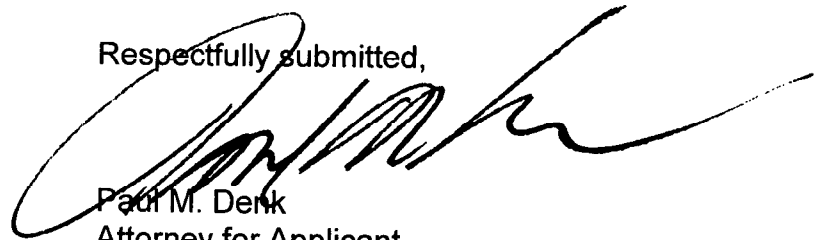
Oppose, regarding Serial No. 76/544,784, that was mailed from the Trademark Office on July 30, 2004. A copy of that card is enclosed herein.

Secondly, the only correspondence that Applicant has received relating to this matter, and the last correspondence relating thereto, is a letter from a Mr. Donald L. Dennison, dated September 13, 2004, where he was soliciting information regarding the ORAZyme mark. Applicant responded with a letter dated October 18, 2004, identifying the disease treated by Applicant's branded product. Other than the foregoing, Applicant has received no other information from either the Opposer, the Trademark Office, or the Trademark Trial and Appeal Board, relating to any opposition.

In view of this, it is submitted that the Notice of Opposition should be resent, assuming that the Trademark Trial and Appeal Board sent it originally, so that Applicant can have the opportunity to review the same, and respond, to any Notice of Opposition. In addition, it would be requested that the time period to answer any such opposition be reset by the Trademark Trial and Appeal Board.

The undersigned hereby declares that all statements made herein are of my own knowledge and are true, and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and like so made are punishable by fine or imprisonment, or both, under Section 101, of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent to issue thereon.

Respectfully submitted,

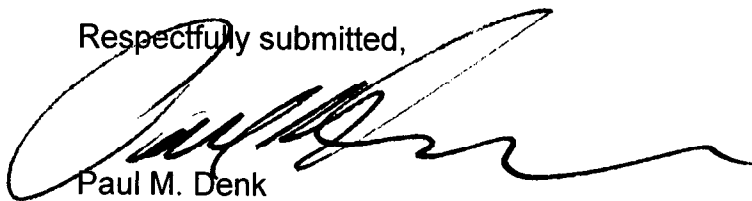


Paul M. Denk
Attorney for Applicant
Pat. Off. Reg. No. 22,598
763 South New Ballas Road, Ste. 170
St. Louis, Missouri 63141
(314) 872-8136

CERTIFICATE OF SERVICE

Applicant has served a copy of this Response to Motion for Default to the Opposer, by mailing one copy thereof to Donald L. Dennison, Esq., with the firm of Dennison, Schultz, Dougherty & Macdonald, 1727 King Street, Ste. 105, Alexandria, Virginia 22314-2700, on this 15th day of Apr., 2005.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Paul M. Denk', with a long horizontal flourish extending to the right.

Paul M. Denk
Attorney for Applicant;
763 South New Ballas Road, Ste. 170
St. Louis, Missouri 63141
(314) 872-8136

PMD/sm
Enclosure



EXTENSION OF TIME TO OPPOSE
MAILED: 07-30-2004

Serial No.: 76544784
ESTTA TRACKING NO: ESTTA12640

A request to extend the time to oppose is granted until 10-06-2004 on behalf of potential opposer Cardon Pharmaceuticals SA/NV.

Please do not hesitate to contact the Trademark Trial and Appeal Board at (703) 308-9300 if you have any questions relating to this extension. You can view the record of this case at <http://ttabvue.uspto.gov>

LAW OFFICES
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SUITE 105

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MALCOLM J. MACDONALD, PH.D.*

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AMIR H. BEHNIA*

*MEMBER OF BAR OTHER THAN VIRGINIA

September 13, 2004

OF COUNSEL
WILLIAM H. MESEROLE
DAVID POLLACK
BURTON SCHEINER*

VIA FACSIMILE/CONFIRMATION COPY BY MAIL

Paul M. Denk, Esquire
Patent Law Office, LC
763 S. New Ballas Road, Suite 170
St. Louis, MO 63141-8704



FAXED
9-13-04

Re: Your Client: BioDelivery Sciences
International, Inc.

Trademark: **ORAZYME**

Serial No. 76/544,784

My Client: Cardon Pharmaceuticals SA/NV

RECEIVED
SEP 13 2004

Dear Mr. Denk:

I have, of course, received your letter of July 26 advising that your client will not voluntarily withdraw its trademark application.

As you are aware, I have obtained an extension of time to oppose your client's mark, which will expire on October 6, 2004.

In order to possibly resolve the issue, it is necessary for my client to obtain information from you as to the countries where your client is presently contemplating commercializing its **ORAZYME** product. Additionally, we would like to see a sample of the packaging of the **ORAZYME** product. With this information, we may be in a better position to determine whether coexistence is possible.

If it is not possible for you to respond prior to the 1st of October, I would appreciate your consideration of a consent for us to obtain an additional 30-day extension of time to consider the filing of an Opposition.

Sincerely,

Donald L. Dennison

DLD:jet

PATENTS, TRADEMARKS
AND RELATED CAUSES

Paul M. Denk, JD
Charles C. McCloskey, LLC

PAUL M. DENK
PATENT LAW OFFICE, LC
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ST. LOUIS, MISSOURI 63141

TEL. (314) 872-8136
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denkpatentlaw@earthlink.net
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October 18, 2004

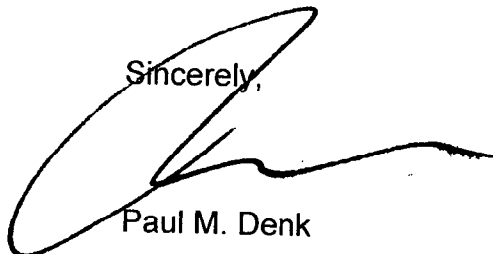
Mr. Donald L. Dennison, Esq.
Dennison, Schultz, Dougherty, & Macdonald
1727 King Street, Ste. 105
Alexandria, VA 22314-2700

Dear Mr. Dennison:

Re: Misc. Trademark
BioDelivery Sciences International
ORAZyme
Ser. No.: 76/544,784
Cardon Pharmaceuticals

This is in response to your previous letter. The client states that its product is in the field limited to prescription lysosomal benzylase as a replacement for rare hereditary lysosomal diseases. Apparently your client's OROZYME mark is used upon mineral supplements type products.

Sincerely,

A handwritten signature in black ink, appearing to be 'PMD', written over the word 'Sincerely,'.

Paul M. Denk

PMD/sm

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

CARDON PHARMACEUTICALS SA/NV]	
]	
Opposer,]	Opposition No. 91162535
]	
v.]	
]	
BIO DELIVERY SCIENCES]	
INTERNATIONAL, INC.,]	
]	
Applicant.]	
]	

MOTION FOR DEFAULT JUDGMENT

Opposer, under the provisions of Rule 55 of the Federal Rules of Civil Procedure and 37 C.F.R. 2.106(a), respectfully moves for judgment by default in the above proceedings.

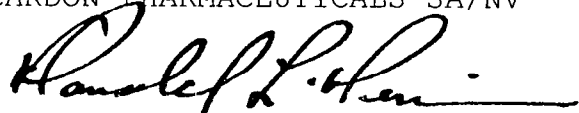
The Notice of Opposition was mailed by the Board on October 18, 2004 setting the standard forty day period for filing of the Answer to November 27, 2004. Counsel for the Opposer has of this date received no Answer or other communication from the Applicant or its attorneys relative to an Answer to the Opposition. Accordingly, Applicant being in

COPY

default, the Board is requested to formally hold Applicant in default and to award judgment to the Opposer and to refuse the Application in issue.

Respectfully submitted,
CARDON PHARMACEUTICALS SA/NV

By

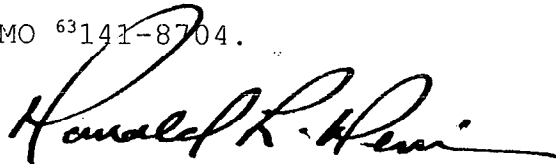


Donald L. Dennison
Attorney for Opposer
Dennison, Schultz, Dougherty
& Macdonald
1727 King Street
Suite 105
Alexandria, VA, 22314
(703)837-9600 Ext. 15

January 13, 2005

CERTIFICATE OF SERVICE

This is to certify that a copy of the above Motion For Default Judgment was deposited in the United States Mail with proper first class postage this 13th day of January, 2005 addressed to counsel for Applicant, Paul L. Denk. 763 S. New Ballas Road, Saint Louis, MO 63141-8704.



Donald L. Dennison